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09/610,773

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| EXAMINER |
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USTARIS, JOSEPH G

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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| Office Action Summary | Application No. 09/610,773 | Applicant(s) YAMADA, ISAO | |
| | Examiner Joseph G. Ustaris | Art Unit 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated July 23, 2007 in application 09/610,773.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-15, and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US006177931B1) in view of Abecassis (US006553178B2) and Margulis (US006263503B1).

Alexander et al. (Alexander) discloses an information processing apparatus: information receiving means which receives main program composition information (See Fig. 1, information in information box 24) and source data which contains information relating to a television broadcast program (See Fig. 1, ABC [13]) (See col. 4 line 57 – col. 5 line 4);

information forming means which forms information (See Fig. 1, window 16 advertisements) that supplements at least one television broadcast program displayed on a first display device (See Fig. 1, window 12 of display screen 10) (See col. 3 lines

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56-62), said television broadcast program produced from a first broadcast station (ABC [13]);

symbolic label forming means which forms symbolic labels indicative of the content of said information, wherein said symbolic labels are capable of display on said first display (See Fig. 1, window 16; col. 34 lines 10-16); and

transmission means which transmits said information and said symbolic labels from a second broadcast station (head-end) to said first display device (See col. 8 lines 19-35 and col. 34 lines 10-16).

However, Alexander does not explicitly disclose (1) wherein said first display device is associated with a cost calculator, said cost calculator being configured to calculate a cost of a service provided and said cost calculator being further configured to reduce said cost if first information that supplements at least one television broadcast program displayed on said first display device is displayed, selection of at least one symbolic label reduces a cost associated with a television broadcast program, and (2) the first information, symbolic labels, and information being capable of display on said first display device and a second display device.

(1) Abecassis teaches a display device associated with a cost calculator, said cost calculator being configured to calculate a cost of a service provided and said cost calculator being further configured to reduce said cost if first information that supplements at least one television broadcast program displayed on said first display device is displayed (See Fig. 9, col. 45 lines 1-30) and selection of at least one symbolic label reduces a cost associated with a television broadcast program (See Figs. 11 and

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12a-12b; col. 46 lines 16-30, col. 46 line 61 – col. 47 line 2, col. 47 lines 47-55, and col. 48 lines 15-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Alexander to have the first display device associated with a cost calculator, said cost calculator being configured to calculate a cost of a service provided and said cost calculator being further configured to reduce said cost if first information that supplements at least one television broadcast program displayed on said first display device is displayed and selection of at least one symbolic label reduces a cost associated with a television broadcast program, as taught by Abecassis, in order to entice the viewer with the advertising thereby compensating or rewarding the viewer for the apparent viewing of the advertisement (See col. 48 lines 15-22).

Margulis discloses a system that can display television broadcast programming and supplemental information on multiple televisions (See Fig. 1; col. 4 lines 44-55). Margulis discloses that television broadcast programming, the first information, symbolic labels, and information are capable of display on a first display device (Primary TV 152) and a second display device (Remote TV 158) (See col. 4 line 30 – col. 5 line 22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Alexander in view of Abecassis to display television broadcast programming, the first information, symbolic labels, and information on a first display device and a second display device, as taught by Margulis, in order to provide the user with a system that offers flexible remote viewing of content (See col. 5 lines 18-19).

Regarding claim 2, said information comprises at least one other broadcast program which provides an advertisement corresponding to said television broadcast program (See Alexander col. 34 lines 4-6).

Regarding claim 3, said information, said symbolic labels and said other broadcast program are transmitted on separate transmission paths (e.g. Internet) (See Alexander col. 34 lines 10-16).

Regarding claim 4, said information is composed of data which is different from data adapted for video or audio output (See Alexander col. 34 lines 15-16).

Regarding claim 6, Alexander in view of Abecassis and Margulis does not explicitly disclose that the transmission means alters the transmission band for transmitting said information and symbolic labels depending on the quantity of data of information and symbolic labels to be transmitted.

Official Notice is taken that it is well known in the art to alter the transmission band based on the quantity of data to be transmitted. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Alexander in view of Abecassis and Margulis to alter the transmission band based on the quantity of data to be transmitted in order to increase efficiency by bandwidth conservation.

Regarding claim 7, information appending means which appends, to said symbolic labels, display control information for controlling as to whether or not said symbolic labels are displayed on a receiver set which receives said broadcast programs and symbolic labels (See Alexander col. 4 lines 13-27; the system provides display

control means for controlling as to whether or not said symbolic labels are displayed on a receiver set).

Claim 8 contains the limitations of claim 1 (wherein the system performs the method) and is analyzed as previously discussed with respect to that claim.

Claim 9 contains the limitations of claims 1 and 8 and is analyzed as previously discussed with respect to those claims. Furthermore, Alexander in view of Abecassis and Margulis discloses a medium which operates on a computer to run an operation program which implements the information processing (See Abecassis Fig. 5, col. 18 line 52 – col. 19 line 42).

Claim 10 contains similar limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, Alexander in view of Abecassis and Margulis discloses an information processing apparatus which receives and processes information (EPG data and advertisements), wherein said information is main program composition information (See Alexander Fig. 1, information in information box 24) and source data which contain composition information relating to a television broadcast program (See Alexander Fig. 1, ABC [13]), which supplements television broadcast programs produced from a first broadcast station (ABC [13]) and symbolic labels indicative of the content of said information (See Alexander Fig. 1, window 16; col. 34 lines 10-16), said apparatus comprising:

first reception means (See Alexander Fig. 1; television screen display 10) which receives said information and said symbolic labels from a second broadcast station (head-end) (See Alexander col. 8 lines 19-35 and col. 34 lines 10-16);

second reception means (See Margulis Fig. 1, remote TV; col. 4 line 30 – col. 5 line 22) which receives said information from the second broadcast station;

display control means which operates a display device to display at least one of the television broadcast programs (12), said information (24) and said symbolic labels (16) (See Alexander Fig. 1), wherein said display device is associated with a cost calculator, said cost calculator being configured to calculate a cost of a service associated with said display device and said cost calculator being further configured to reduce said cost if at least a portion of said composition information relating to said television broadcast program is displayed (See Abecassis Fig. 9, col. 45 lines 1-30); and

output control means which operated in response to the operation of selection of a symbolic label to release data corresponding to the selected symbolic label and display said data on said display device (See Alexander col. 4 lines 13-27), wherein the selection of at least one symbolic label reduces a cost associated with a television broadcast program (See Abecassis Figs. 11 and 12a-12b; col. 46 lines 16-30, col. 46 line 61 – col. 47 line 2, col. 47 lines 47-55, and col. 48 lines 15-22).

Regarding claim 11, including control means which controls as to whether or not said symbolic labels are displayed (See Alexander col. 4 lines 13-27; the system provides display control means for controlling as to whether or not said symbolic labels are displayed on a receiver set).

Regarding claim 12, wherein said symbolic labels have the appendage of display control information for controlling as to whether or not said symbolic labels are

displayed, said control means controlling as to whether or not said symbolic labels are displayed in accordance with said display control information (See Alexander col. 4 lines 13-27; the system provides display control means for controlling as to whether or not said symbolic labels are displayed on a receiver set).

Regarding claim 13, the first reception means and second reception means also receives other information which further supplements the broadcast programs, said display control means displaying said symbolic labels together with said other information (See Alexander col. 4 lines 28-39, discloses other information, which further supplements the broadcast program).

Regarding claim 14, said output control means operates in response to the operation of selection of a symbolic label to display data corresponding to the selected symbolic label in place of said other broadcast program (See Alexander col. 2 lines 4-12).

Regarding claim 15, wherein said display control means operates on separate display devices to display said other information including said symbolic labels (See Margulis Fig. 1, remote TV 158).

Regarding claim 17, including memory means which operates in response to the operation of selection of a symbolic label to store data of corresponding to the selected symbolic label, said output control means operating on said memory means to release stored data (See Alexander col. 14 lines 1-7).

Regarding claim 18, wherein said information are composed of data adapted for ordering commodities, said output control means operating to transmit said order data (See Abecassis Fig. 12a-12b; col. 49 line 7 – col. 50 line 30).

Claim 19 contains the limitations of claims 1 and 10 (wherein the system performs the method) and is analyzed as previously discussed with respect to those claims.

Claim 20 contains the limitations of claims 1 and 19 and is analyzed as previously discussed with respect to those claims. Furthermore, Alexander in view of Abecassis and Margulis discloses a medium which operates on a computer to run an operation program which implements the information processing (See Abecassis Fig. 5, col. 18 line 52 – col. 19 line 42).

Regarding claims 21-26, wherein at least one of said symbolic labels is indicative of content of at least one of said television broadcast programs (See Alexander col. 4 lines 28-39 and col. 34 lines 4-6).

Claims 5 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US006177931B1) in view of Abecassis (US006553178B2) and Margulis (US006263503B1) as applied to claims 1 and 10 above, and further in view of Remillard (US005561708A).

Regarding claims 5 and 16, Alexander in view of Abecassis and Margulis does not explicitly disclose that the information is composed of data adapted for printout.

Remillard discloses an interactive television system. Remillard discloses that information is composed of data adapted for printout (See col. 3 lines 51-53 and col. 5 lines 36-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclose by Alexander in view of Abecassis and Margulis to have the information be composed of data adapted for printout, as taught by Remillard, in order to allow the users to obtain hardcopy of the information presented on the television thereby providing an efficient method to facilitate an exchange of information between television viewers and producers, promoters, and advertisers associated with television programming (See col. 1 line 67 – col. 2 line 3).

Response to Arguments

3. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Palmer et al. (US005905865A) and Hidary et al. (US005774664A) for their similar method of displaying supplemental data on a different display.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5 PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JGU

September 26, 2007



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